



City of Prince Albert

REPORT

Report Title: Policy Re: "Utilization of Electronic Devices With Monitoring Capabilities"

CORP-HR-13-05

Date: May 6 , 2013

Prepared By: Gordon Bothner, Human Resources Consultant

Prepared For: Executive Committee

RECOMMENDATION:

That City Council approve Policy #010 "Utilization of Electronic Devices With Monitoring Capabilities"

JUSTIFICATION FOR INCAMERA: N/A

BACKGROUND:

The City of Prince Albert has purchased and will purchase in the future a variety of electronic devices for the primary purposes of enhanced work efficiency, communication and enhanced safety and security of staff and City owned property. Many of these electronic devices will also have the capability to monitor work performance and certain staff movements and activity as it may relate to the performance of assigned duties.

As information collected from such monitoring features may also be useful in employee performance coaching or even disciplinary situations it will be necessary for the City to adopt a policy that will clarify how the data and information gathered from such devices may be used.

It is important to point out that the devices covered under this policy are not devices that have a primary purpose of monitoring staff activity, but rather they are devices that serve another purpose such as:

- Communication radios installed in vehicles and equipment that have GPS capacity.
- Water Meter Reading tools that also record the address, time and date of the meter being read.
- Cell Phones with GPS capability.

DISCUSSION:

Privacy and Human Rights legislation and arbitration decisions provide guidelines as to the extent to which staff activities may be monitored while performing assigned duties required by the employer.

Relevant factors that should be considered when utilizing devices with monitoring capabilities include:

1. Nature of the workplace and work being performed (i.e. Opportunity for theft, workplace design/location, production efficiency).
2. Reason for the monitoring and purpose for which the data is being collected (security, productivity, efficiency).
3. Visibility and level of awareness of the device.
4. Degree of monitoring (for specific purpose, duration of monitoring etc.).
5. Who is to have access to the data that is to be collected.
6. Duration of data retention.
7. Quality and reliability of the data collected as it relates to achieving its intended purpose.
8. The use to which the data is put.
9. Balance of competing interests – protection of legitimate business interest vs. employee right to privacy.

When information gathered from such a device is used as evidence in arbitration cases, a "four point test" has been developed to assess the legitimacy of the evidence gathered:

1. Is the installation of the monitoring device demonstrably necessary to meet a specific need?
2. Is the chosen method of monitoring likely to be effective in meeting these needs?
3. Is the loss of privacy proportional to the benefit derived?
4. Is there a less invasive way of achieving the same end?

In regards to "rules" or policies unilaterally implemented by organizations in unionized environments arbitrators have also established a "Six Point Test" to determine the legitimacy of the policy:

1. It must not be inconsistent with the collective agreement.
2. It must not be unreasonable.
3. It must be clear and unequivocal. Interpretation of "ambiguous" rules/policies/language will, typically, be made against the author.
4. It must be brought to the attention of the employee(s) affected before the employer can act on it.
5. The employee concerned must have been notified that a breach of such rule could result in his discharge if the rule is used as a foundation for discharge.
6. Such rule should have been consistently enforced by the company from the time it was introduced.

The attached Draft Policy presented for your consideration has been shared with the CUPE 160 and CUPE 882 Executive as well with Police and Fire. They are fully aware of the purpose and contents of the proposed policy and no concerns have been expressed.

OPTIONS:

1. That City Council accepts and approves the adoption of the attached Draft Policy
2. That Council provides further direction to administration

FINANCIAL IMPLICATIONS: N/A

COMMUNICATIONS: Once the policy has been adopted all staff will be informed of the content and purpose of the policy through presentation at staff meetings, Labour Management Committee Meetings and Work Unit Tool Box meetings. The policy will also be posted on the City's Internal Web-Site with all other policies.

ATTACHMENTS:

- Draft Policy "Use of Electronic Devices with Monitoring Capabilities"

CONCLUSION:

The policy will ensure that the ongoing implementation and utilization of electronic devices with monitoring capabilities is done so with full disclosure to all City of Prince Albert staff members and with full compliance with all relevant legislative and arbitral guidelines.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Gordon Bothner', written over a horizontal line.

Gordon Bothner
Human Resources Consultant

City of Prince Albert Statement of POLICY and PROCEDURE			
Department:	Corporate Services	Policy No.	
Section:	Human Resources	Issued:	
Subject:	Utilization of Electronic Devices with Monitoring Capabilities	Effective:	
Council Resolution # and Date:		Page:	
		Replaces:	
Issued by:	Corporate Services Department	Dated:	
Approved by:	City Council		

1. POLICY

- 1.01 The City of Prince Albert reserves the right to install and utilize a variety of electronic devices in and around City owned property, vehicles and equipment for the primary purpose of enhanced work efficiency and the safety and security of staff and City owned property. Many of these devices will have monitoring, data collection and tracking capabilities.
- 1.02 City administration will inform the respective Unions of all electronic devices with monitoring capabilities, their intended purpose, the monitoring capacity and capability of the device, types of data to be collected and how the resulting data is to be stored and utilized.
- 1.03 City administration will inform all staff in the affected Work Unit(s) and work area(s) of the installation of all electronic devices with monitoring capabilities, their intended purpose, the monitoring capacity and capability of the device, types of data to be collected and how the resulting data is to be stored and utilized.
- 1.04 City administration will inform all staff in the affected Work Unit(s) and work area(s) as to the specific monitoring capabilities of the device that will be activated prior to implementation. However, in situations where Human Resources and Management have identified strong evidence of serious misconduct, certain monitoring capabilities may be activated without providing prior notice to the employee(s) under surveillance.

2. PURPOSE

- 2.01 Electronic devices with monitoring capabilities will be installed and utilized to serve the primary purposes of safety and security of City staff and resources, enhanced work efficiencies and public safety. Data collected from such devices may also be used in the investigation and determination of disciplinary actions as deemed appropriate.

3. SCOPE

- 3.01 This policy will apply to the installation and utilization of all electronic devices with the capacity to monitor activity in and around City owned property and equipment

and to all staff who may be working within the scope of the devices capacity to monitor and record data.

4. RESPONSIBILITY

- 4.01 Departments and respective Work Unit Managers are responsible to ensure compliance with this policy whenever any form of electronic device with monitoring capabilities are to be installed and/or utilized within the jurisdiction of their work unit.

5. DEFINITIONS

5.01 "City" means City of Prince Albert

5.02 "Administration" means City of Prince Albert out-of-scope management.

5.03 "Electronic Device with monitoring capability" means any electronic or telecommunications device that has the capacity to track and record the actions of staff and equipment as it relates to the performance of required duties.

5.04 "Union(s)" means any or all of the following unions CUPE Local 160, CUPE Local 882, Prince Albert Police Association and IAFF Local 510

6. REFERENCE & RELATED STATEMENTS OF POLICY AND PROCEDURES

6.01 Electronics Communications Policy

7. PROCEDURE

7.01 City administration will make the decision to install and utilize electronic devices with monitoring capabilities based on the need to enhance security of the public, City staff and/or City property and to improve work efficiencies.

7.02 Once the decision is made to install such devices the Union(s) will be informed as to the device(s) to be installed, the intended duration of their use, the intended purpose of the device(s), the monitoring capacity and capability of the device, the types of data that will be collected and how that data will be utilized and stored.

7.03 Once the device(s) have been installed the respective Department will inform the workers in the affected Work Unit(s) and work area(s) as to the device(s) installed, the intended purpose of the device(s), the intended duration of their use, the monitoring capacity and capability of the device, the types of data that will be collected and how that data will be utilized and stored.

7.04 When the information and/or data collected is to be used for the purposes of workplace efficiency the staff in the respective Work Unit(s) will be informed as to the specific data collected and what changes, if any, may result in work processes or priorities as a result of the data collected.

7.05 When the information and/or data collected is to be used for the purposes of discipline investigation the Union and the employee(s) in question will be fully informed as to the nature of the data collected and how it is to be used.

7.06 City administration will inform all staff in the affected Work Unit(s) and work area(s) as to the specific monitoring capabilities of the device that will be activated prior to activation. However, in situations where Human resources and Management have

identified strong evidence of serious misconduct, certain monitoring capabilities may be activated without providing prior notice to the employee(s) under surveillance.

- 7.07 No employee shall tamper with, modify or adjust any settings or otherwise cause any interference with the operation of the device or its' monitoring capabilities unless authorized to do so by City administration. To do so could result in disciplinary action up to and including discharge for cause.
- 7.08 Appropriate signage will be placed in all locations where electronic devices with monitoring capabilities are installed.

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